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Attorneys for Plaintiff
Sean McCue

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X		
Sean McCue,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
NBC Universal, Warner Bros.	:	COMPLAINT
Television Inc., Jerry Buckheimer,	:	JURY TRIAL DEMANDED
Creative Artists Agency,	:	
	:	
Defendants.	:	
-----X		

Plaintiff Sean McCue ("Plaintiff"), by its attorneys Meredith & Keyhani, PLLC,
as and for its complaint against Defendants alleges as follows:

THE PARTIES

1. Plaintiff, Sean McCue is an individual who resides in Westchester County in New York State.
2. On information and belief, NBC Universal is a corporation located at 30 Rockefeller Plaza, New York, New York 10112.
3. On information and belief, Defendant Warner Brothers Television, Inc. has a place of business at 1 Time Warner Center, New York, New York 10019.

4. On information and belief, Jerry Bruckheimer is the producer of E-ring in conjunction with Jerry Bruckheimer Television with a place of business at 150 S Rodeo Drive, 3rd Floor, Beverly Hills, CA 90212.

5. On information and belief, Creative Artists Agency is a literary agency with a place of business at 9830 Wilshire Boulevard, Beverly Hills, California 90212-1825.

JURISDICTION AND VENUE

6. The Court has jurisdiction under 17 U.S.C. §101 et seq.; 28 U.S.C. §1331; 28 U.S.C. §1367; and 28 U.S.C. §1338.

7. On information and belief, Defendants are subject to the jurisdiction of this Court, and venue is proper in this District pursuant to 28 U.S.C. §1391 and 28 U.S.C. §1400, in that some of the Defendants resides in this District, and the acts of infringement complained of herein occurred in this District.

FACTUAL BACKGROUND

8. Plaintiff is a screenwriter and using his research and experience wrote a detailed script and treatment for a television show, movie or film production entitled "Paper Tiger" (hereinafter "Paper Tiger").

9. Paper Tiger was the product of months of research and travel by Plaintiff based upon a "made" spy for the C.I.A. who must be extracted by U.S. Submarine from China.

10. Paper Tiger is a detailed work which embodies plot, characters, setting and numerous other details that comprise the entire creative work embodied in the Paper Tiger television show, film or movie the Plaintiff envisioned.

11. Plaintiff made extensive efforts to protect and document his creative endeavor.

12. Plaintiff is the owner of United States Copyright Registration Number PAu2-871-941 (the "Copyright") for Paper Tiger which he registered on June 7, 2004 (See attached Exhibit A).

13. Paper Tiger was also registered with the Writer's Guild of America on May 31, 2004 (See attached Exhibit B).

14. Following registration of Paper Tiger with the United States Copyright Office and the Writer's Guild of America, Plaintiff submitted its script to a contest for the Writer's Network.

15. Plaintiff was a semi-finalist in the contest, which was judged by a number of individuals from Creative Artists Agency.

16. Creative Artists Agency is a literary agency.

17. Upon information and belief, the "writer" of the E-ring pilot was David McKenna, who is represented by Creative Artists Agency.

18. There is substantial similarity between Plaintiff's Paper Tiger and Defendants' "E-ring".

19. Trading upon the unauthorized use and exploitation of the creative works embodied in Plaintiff's Paper Tiger, the Defendants' E-ring became a commercial success.

20. Throughout the course of and subsequent to the Defendants' production of "E-ring," Defendants did not contact the Plaintiff in order to seek a license or authorization for any purpose whatsoever, including for the acts described herein.

COUNT I- COPYRIGHT INFRINGEMENT

21. Plaintiff repeats each and every allegation set forth herein in paragraphs 1 through 20 as through fully set forth herein.

22. Paper Tiger is an original work, copyrightable under 17 U.S.C. §102. As lawful owner of the United States Copyright PAu2-871-941, Plaintiff is entitled to "the exclusive rights to do and to authorize the copyrighted work."

23. Without Plaintiff's authorization or consent, the Defendants copied, commercially exploited, and distributed creative works embodied in Plaintiff's Paper

Tiger, and prepared unauthorized works (including derivative works), through Defendants' production and airing of E-ring.

24. The Defendants' unauthorized use, copying and dissemination of the E-ring television show in interstate commerce constitute actual infringement of the Plaintiff's copyright.

25. Upon information and belief, Defendants' infringement is willful in nature.

26. Defendants' acts of copyright infringement have and continue to cause Plaintiff substantial damages.

27. No adequate remedy at law exists for Plaintiff.

COUNT II- UNJUST ENRICHMENT

28. Plaintiff repeats each and every allegation set forth herein in paragraphs 1 through 27 as through fully set forth herein.

29. Through the commercial exploitation of the Plaintiff's original, copyrighted works, the Defendants have enjoyed increased revenue, publicity and notoriety.

30. By reason of the Defendants' conduct, Plaintiff has sustained and continues to sustain substantial damages.

COUNT III- MISAPPROPRIATION OF IDEAS

31. Plaintiff repeats each and every allegation set forth herein in paragraphs 1 through 30 as through fully set forth herein.

32. Plaintiff's original and novel script and ideas for a movie/ television show were misappropriated by Defendants.

33. By reason of the foregoing acts of misappropriation by the Defendants, the Plaintiff has sustained substantial injury.

WHEREFORE, Plaintiff prays that:

1. Defendants, their agents, officers, servants, employees, franchisees, licensees, and all others in active concert or participation with Defendants, be enjoined and restrained from any further infringement of the Paper Tiger script and treatment, as infringed in the E-ring series, or any other series, in television of any other medium;

2. Defendants, their agents, officers, servants, employees, franchisees, licensees, and all others in active concert or participation with Defendants, be enjoined and restrained from creating, selling or otherwise publishing any advertisement for E-ring or any other series, or television or any other medium, which infringed the Plaintiffs' copyright;

3. Defendants, their agents, officers, servants, employees, franchisees, licensees, and all others in active concert or participation with Defendants, be enjoined and restrained from creating, selling, or otherwise distributing any merchandise produced in connection with E-ring or any other series, which infringed the Plaintiffs' copyright;

4. Defendants be directed to pay Plaintiff damages, including without limitation statutory damages, attorney fees, compensatory damages, and/or punitive damages;

5. Defendants be directed to account to Plaintiff any and all profits derived by them through activities which directly or indirectly infringe the Plaintiff's copyright, including but not limited to, all profits derived directly or indirectly from the show E-ring;

6. Defendants reimburse the costs and disbursements of this action;

7. Defendants reimburse the costs of reasonable attorney's fees;

8. Plaintiff be awarded both pre-judgment and post-judgment interest on each and every damage award; and


9. Such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury of all issues properly triable by jury in this action.

Dated: January 18, 2006
New York, New York

Respectfully Submitted,

A handwritten signature in black ink that reads "Dariush Keyhani". The signature is written in a cursive, flowing style.

Dariush Keyhani (DK 9673)
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Attorney for Plaintiff
Sean McCue

EXHIBIT A

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America



Short Form PA

Form Work of Performing Arts
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

PAu2-871-941



Effective Date of Registration

6.7.04

Application Received

JUN 07 2004

Deposit Received

On JUN 07 2004 Two

Fee Received



Consequence ☐

TYPE OR PRINT IN BLACK INK. DO NOT WRITE ABOVE THIS LINE

Title of This Work:

1

PAPER TIGER (ZHI LAOHU)

Alternative title or title of larger work in which this work was published

Name and Address of Author and Owner of the Copyright:

2

Sean J. McVee
12 JACKSON Rd, BRIARCLIFF MANOR, NY 10510

Nationality or domicile
Phone, fax, and email

Phone (914) 944-9181

Fax ()

Email mcscons1@aol.com, sean.mcv@juno.com

Year of Creation.

3

2004

If work has been published,
Date and Nation of Publication.

4

a Date _____ Month _____ Day _____ Year _____ (Month, day and year all required)

b Nation _____

Type of Authorship
in This Work:

5

☐ Music

☒ Other text (includes dramas, screenplays, etc.)

☐ Lyrics

(If your work is a motion picture or other audiovisual work, use the Standard Form PA.)

Check all that this author created.

Signature
(Registration cannot be completed without a signature.)

6

I certify that the statements made by me in this application are correct to the best of my knowledge. Check one.

☒ Author

☐ Authorized agent

Sean J. McVee

Name and Address of
Person to Contact for
Rights and Permissions

7

☒ Check here if same as #2 above

Phone fax and email

Phone ()

Fax ()

Email

OPTIONAL

8

Certificate will be mailed in window envelope to this address.

Name	SEAN J. McVee
Number/Street/PO Box	12 JACKSON Rd.
City/State/ZIP	BRIARCLIFF MANOR, NY 10510

9

Deposit Account # _____

Name _____

DO NOT WRITE HERE

Page 1 of 1 page

17 U.S.C. § 505(c) Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409 or in any written statement filed in connection with the application, shall be fined not more than \$2,000.

Form July 2003-02 000 Web Form July 2003 Printed on recycled paper

U.S. Government Printing Office: 2003-495-505/60,000

EXHIBIT B

After Upload

Page 1 of 2



Registration Confirmation

Please print this page for your records.

Registration Number : 998733

Thank you for your registration. Your material has been successfully registered with the WGA Intellectual Property Registry. Registrations are valid for a term of five years and can be renewed upon expiration. Please remember that changes cannot be made once material has been registered with the WGAw Intellectual Property Online Registration Service.

Should you have any questions regarding your online registration, please mail or fax your photo ID along with your written request to the Intellectual Property Registry at (323) 782-4803.

We greatly appreciate your business and would like your feedback. [Click here](#) to let us know your thoughts and suggestions about our service.

Registered Item Information:

Material Type : SCREENPLAY
Intended Medium : SCREEN
Item Title : PAPER TIGER (ZHI LAOHU)
Filename : ZLao.SCW
Submission Date : 5/31/2004 6:06:49 AM

Registrant/Author Information:

Registrant ID : 030524082
Registrant Last Name : McCue
Registrant First Name : Sean
Registrant Middle Name : Joseph

Credit Card was Charged:

Credit Card # : XXXXXXXXXXX-6173
Name on Card: Sean Joseph McCue
Credit Card Expiration Date(mmyy) : 1205
Credit Card Amount : USD 20

We value our registrants' comments for making the service more secure and efficient. [Click here](#) to complete our Online Registration survey.